MINUTES RECEIVED CHIEF CLERK'S OFFICE

ARIZONA HOUSE OF REPRESENTATIVES Fifty-second Legislature – Second Regular Session

2-9-16

COMMITTEE ON ELECTIONS

Report of Regular Meeting Monday, February 8, 2016 House Hearing Room 4 -- 10:00 a.m.

Convened 10:15 am

Recessed

Reconvened

Adjourned 10:40 am

Members Present

Members Absent

Mrs. Carter

Mr. Clark

Mr. Larkin

Mr. Weninger

Mr. Mesnard, Vice-Chairman

Ms. Ugenti-Rita, Chairman

Agenda

Original Agenda – Attachment 1

Request to Speak

Report – Attachment 2

Committee Action

Committee	action.		
<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments</u>
			(Summaries,
			Amendments, Roll Call,
			Attendance)
HB2016	DPA/SE	6-0-0-0	3, 4, 5
HB2156	DP	6-0-0-0	6, 7
HB2298	DP	6-0-0-0	8, 9
HB2477	DP	6-0-0-0	10, 11
HB2010	HELD		
Committee			12
Attendance			

Marshall Pimentel, Chairman Assistant

2/9/16

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

REVISED #2 - 02/04/16

REVISED #2 - 02/04/16

convened: 10:15 am

adjourned: 10:40 am

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON ELECTIONS

DATE Monday, February 8, 2016

ROOM HHR 4

TIME 10:00 A.M.

Members:

Mrs. Carter Mr. Clark

Mr. Larkin

Mr. Weninger

Mr. Mesnard, Vice-Chairman Ms. Ugenti-Rita, Chairman

Strike Everything Title Bills **Short Title** collection; voted early ballots; limitation HB2010 (Kern) JUD w/d, ELECT, RULES legislative vacancies; appointment; requirements HB2156 (Friese, Clark) ELECT, RULES financial disclosure; public officer; travel HB2298 (Mesnard) - O - O - O ELECT, RULES precinct committeemen; term of office *HB2477 (Ugenti-Rita) 10-0-0-0 ELECT held 0-0-0-0, RULES

ADDENDUM #1 - 02/04/16

DPA/SE early, all-mail ballots; mailing period (Stevens)

S/E: permanent early voting list; cancellation

6-0-0-0 elect, rules

On previous agenda

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

MJP 2/4/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Elections (2/8/2016)

HB2010, collection; voted early ballots; limitation

Support:

Jose Borrajero, representing self; Richard Hofelich, representing self; martha hayes, representing self; Susan Hicks, representing self; Joyce Hill, representing self; Tom Helding, representing self; Terry Hill, representing self; Jim Dutton, representing self; Sandi Bartlett, representing self; Janelle Solomon, representing self; Lynne Weaver, representing self

Neutral:

Russell Smoldon, AMPUA, Cortaro-Marana Irrigation District

Oppose:

Jacob Schmitt, representing self; Don Hopkins, representing self; Dianne Post, representing self; Peter Bengtson, representing self; Susan Waites, representing self; Samantha Pstross, AZ ADVOCACY NETWORK; Gini McGirr, League of Women Voters of Arizona, Legislative Chair, League Of Women Voters Of AZ; Alisa McMahon, representing self; Michael Fiflis, representing self; Jay Gittrich, representing self; Rosalind Switzer, representing self; Rivko Knox, representing self; Will Gaona, AMERICAN CIVIL LIBERTIES UNION OF AZ (ACLU-AZ); Sam Wercinski, representing self; Alice Stambaugh, representing self; Teri Farneti, representing self; Barbara Jean Robertson, representing self; anne schneider, representing self; Eleanor Eisenberg, The League Of Women Voters, AZ; Robyn Prud'homme-Bauer, representing self

All Comments:

Don Hopkins, Self: Am opposed to this bill/ I'm in LD2, a PC, and election worker in precinct 209. I am also a regional delegate to state assemblies. Thx for your support- Don Hopkins; Peter Bengtson, Self: This is a bad idea. There is no problem here. If voters want someone else to collect and deliver their ballots, they should have that service. Volunteers and others who provide this service should not be subject to a felony.; Susan Waites, Self: Again? This is nothing more than undisguised voter suppression, something Republicans are becoming famous for. R's can't compete on ideas so that have to tamper with the vote. Disgusting.; Gini McGirr, League Of Women Voters Of AZ: Please vote No on HB2010. This will make it harder for some voters to get their ballot back to the election officials.; Jay Gittrich, Self: This limits people with disabilities from voting. Volunteers should be allowed to deliver sealed ballots to polling places. This isn't fraud ballots are sealed. No different than post office delivering sealed ballots.; Russell Smoldon, AMPUA, Cortaro-Marana Irrigation District: Neutral with concerns.; anne schneider, Self: I am opposed. Please try to make voting more accessible, not less. Sometimes people do not realize they have received a ballot. Advocates should be allowed to help.; Eleanor Eisenberg, The League Of Women Voters, AZ: in the absence of any credible evidence of wrongdoing, this is unnecessary and harmful. It makes it more difficult to vote especially for disabled and elderly persons. And it is ludicrous to make a helpful act a felonyl; Robyn Prud'homme-Bauer, Self: A Solution to a problem that DOES NOT exist!

HB2156, legislative vacancies; appointment; requirements

Support:

Eric Spencer, AZ SECRETARY OF STATE; Samantha Pstross, representing self

All Comments:

Samantha Pstross, Self: .

HB2298, financial disclosure; public officer; travel

Support:

Eric Spencer, AZ SECRETARY OF STATE

HB2477, precinct committeemen; term of office

Support:

Eric Spencer, AZ SECRETARY OF STATE

Oppose:

Willie Stubbs, representing self

All Comments:

Willie Stubbs, Self: OFFICIAL CANVASS is an undefined phrase in the ARS. Make it a calendar event and not a BOS determined event. The State shouldn't legislate partisan issues. PC elections should be an in-house issue at a party HQ and not involve state expenses.

HB2016, early, all-mail ballots; mailing period

Support:

Willie Stubbs, representing self

Neutral:

Samantha Pstross, AZ ADVOCACY NETWORK

Oppose:

Dianne Post, representing self; Rivko Knox, representing self; Gini McGirr, League of Women Voters of Arizona, Legislative Chair, representing self; Jay Gittrich, representing self; Sam Wercinski, representing self; Alice Stambaugh, representing self; Teri Farneti, representing self; Barbara Jean Robertson, representing self; Alice Stambaugh, representing self; Eleanor Eisenberg, The League Of Women Voters, AZ; Robyn Prud'homme-Bauer, representing self

All Comments:

Willie Stubbs, Self: Another good cost saving bill. Counties are forced to overstaff too soon before an election to get these ballots out. Shortening the time before an election will save on staffing costs and ensure the ballots don't get forgotten by the voters.; Samantha Pstross, AZ ADVOCACY NETWORK: .; Gini McGirr, Self: This striker bill is really bad for voters. It will be a hardship to get everyone that was on the PVL to redo trying to get back on the list. Vote NO; Jay Gittrich, Self: Makes it harder for people to remain on PEVL. Anti democratic.; Alice Stambaugh, Self: This defeats the purpose of a PERMANENT early voting list! Just another obstacle to voting access.; Eleanor Eisenberg, The League Of Women Voters, AZ: There is no reason to shorten the time. Let's make it easier to vote not more difficult



HB 2016

early, all-mail ballots; mailing period Prime Sponsor: Representative Stevens, LD 14

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2016 modifies early ballot distribution dates.

Summary of the Proposed Strike-Everything Amendment to HB 2016

HB 2016 modifies when a voter is removed from the Permanent Early Voting List (PEVL).

PROVISIONS

- 1. Removes a voter from PEVL if the voter is moved to inactive status and remains inactive through the date of the second general election for the federal office immediately following inactive status.
- 2. Makes technical and conforming changes.

CURRENT LAW

Any voter may request to receive a permanent early ballot by mail by written request specifically requesting their name to be added to PEVL. The county recorder or other officer in charge of elections (recorder) must compare the request form signature with the voter registration form signature. At least 90 days before any polling place election scheduled in March or August, the recorder must mail, to all eligible PEVL voters, an election notice that allows the voter to: 1) change the ballot mailing address to another location in their county of residence; 2) update their address; or 3) request that they not be sent a ballot for the upcoming elections indicated on the notice. If the notice is returned undeliverable, the recorder must take actions necessary to contact the voter in order to update their address or to move the voter to in active status. If the voter is moved to inactive status the voter is removed from PEVL. The voter must submit a new request to be added to PEVL again. A PEVL voter is sent an early ballot by mail automatically until: 1) the voter requests in writing to be removed; or 2) the voter's registration or eligibility for registration is moved to inactive (A.R.S. § 16-544).

The recorder is required to maintain, on the inactive voter list, the names of electors who have been removed from the general register for a period of four years or through the date of the second general election for the federal office immediately following the date of the notice from the recorder updating change of addresses (A.R.S. § 16-166).

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2016 (Reference to printed bill)

1 Strike everything after the enacting clause and insert:

"Section 1. Section 16-544, Arizona Revised Statutes, is amended to read:

16-544. Permanent early voting list: civil penalty: violation:

classification

- A. Any voter may request to be included on a permanent list of voters to receive an early ballot for any election for which the county voter registration roll is used to prepare the election register. The county recorder of each county shall maintain the permanent early voting list as part of the voter registration roll.
- B. In order to be included on the permanent early voting list, the voter shall make a written request specifically requesting that the voter's name be added to the permanent early voting list for all elections in which the applicant is eligible to vote. A permanent early voter request form shall conform to requirements prescribed in the instructions and procedures manual issued pursuant to section 16-452. The application shall allow for the voter to provide the voter's name, residence address, mailing address in the voter's county of residence, date of birth and signature and shall state that the voter is attesting that the voter is a registered voter who is eligible to vote in the county of residence. The voter shall not list a mailing address that is outside of this state for the purpose of the permanent early voting list unless the voter is an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 52 United States Code section

Adopted	Attachment 4
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 $\frac{1973ff-6}{6}$ 20310). In lieu of the application, the applicant may submit a written request that contains the required information.

- C. On receipt of a request to be included on the permanent early voting list, the county recorder or other officer in charge of elections shall compare the signature on the request form with the voter's signature on the voter's registration form and, if the request is from the voter, shall mark the voter's registration file as a permanent early ballot request.
- D. Not less than ninety days before any polling place election scheduled in March or August, the county recorder or other officer in charge of elections shall mail to all voters who are eligible for the election and who are included on the permanent early voting list an election notice by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification. If an election is not formally called by a jurisdiction by the one hundred twentieth day before the election, the recorder or other officer in charge of elections is not required to send the election notice. The notice shall include the dates of the elections that are the subject of the notice, the dates that the voter's ballot is expected to be mailed and the address where the ballot will be mailed. If the upcoming election is a partisan open primary election and the voter is not registered as a member of one of the political parties that is recognized for purposes of that primary, the notice shall include information on the procedure for the voter to designate a political party ballot. The notice shall be delivered with return postage prepaid and shall also include a means for the voter to do any of the following:
- 1. Change the mailing address for the voter's ballot to another location in the voter's county of residence.
- 2. Update the voter's residence address in the voter's county of residence.
- 3. Request that the voter not be sent a ballot for the upcoming election or elections indicated on the notice.
- E. If the notice that is mailed to the voter is returned undeliverable by the postal service, the county recorder or other officer in charge of

- 2 -

elections shall take the necessary steps to contact the voter at the voter's new residence address in order to update that voter's address or to move the voter to inactive status as prescribed in section 16-166, subsection A. If a voter is moved to inactive status, the voter shall be removed from the permanent early voting list IF THE VOTER REMAINS INACTIVE THROUGH THE DATE OF THE SECOND GENERAL ELECTION FOR FEDERAL OFFICE IMMEDIATELY FOLLOWING INACTIVE STATUS. If the voter is removed from the permanent early voting list, the voter shall only be added to the permanent early voting list again if the voter submits a new request pursuant to this section.

- F. Not later than the first day of early voting, the county recorder or other officer in charge of elections shall mail an early ballot to all eligible voters included on the permanent early voting list in the same manner prescribed in section 16-542, subsection C. If the voter has not returned the notice or otherwise notified the election officer within forty-five days before the election that the voter does not wish to receive an early ballot by mail for the election or elections indicated, the ballot shall automatically be scheduled for mailing.
- G. If a voter who is on the permanent early voting list is not registered as a member of a recognized political party and fails to notify the county recorder of the voter's choice for political party ballot within forty-five days before a partisan open primary election, the following apply:
- 1. The voter shall not automatically be sent a ballot for that partisan open primary election only and the voter's name shall remain on the permanent early voting list for future elections.
- 2. To receive an early ballot for the primary election, the voter shall submit the voter's choice for political party ballot to the county recorder.
- H. After a voter has requested to be included on the permanent early voting list, the voter shall be sent an early ballot by mail automatically for any election at which a voter at that residence address is eligible to vote until any of the following occurs:

- 3 -

- 1. The voter requests in writing to be removed from the permanent early voting list.
- 2. The voter's registration or eligibility for registration is moved to inactive status or canceled as otherwise provided by law AND THE VOTER REMAINS INACTIVE THROUGH THE DATE OF THE SECOND GENERAL ELECTION FOR FEDERAL OFFICE IMMEDIATELY FOLLOWING INACTIVE STATUS.
- 3. The notice sent by the county recorder or other officer in charge of elections is returned undeliverable and the county recorder or officer in charge of elections is unable to contact the voter to determine the voter's continued desire to remain on the list.
- I. A voter may make a written request at any time to be removed from the permanent early voting list. The request shall include the voter's name, residence address, date of birth and signature. On receipt of a completed request to remove a voter from the permanent early voting list, the county recorder or other officer in charge of elections shall remove the voter's name from the list as soon as practicable.
- J. An absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 52 United States Code section $\frac{1973ff-6}{20310}$) is eligible to be placed on the permanent early voting list pursuant to this section.
- K. A voter's failure to vote an early ballot once received does not constitute grounds to remove the voter from the permanent early voting list.
- L. A candidate, political committee or other organization may distribute permanent early voting list request forms to voters. If the permanent early voting list request forms include a printed address for return, that address shall be the political subdivision that will conduct the election. Failure to use the political subdivision as the return addressee is punishable by a civil penalty of up to three times the cost of the production and distribution of the permanent early voting list request.
- M. All original and completed permanent early voting list request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a

- 4 -

House Amendments to H.B. 2016

1 candidate or political committee or eleven days before the election day, 2 whichever is earlier, to the political subdivision that will conduct the 3 election. Any person, political committee or other organization that fails 4 to submit a completed permanent early voting list request form within the 5 prescribed time is subject to a civil penalty of up to twenty-five dollars 6 per day for each completed form withheld from submittal. Any person who 7 knowingly fails to submit a completed permanent early voting list request 8 form before the submission deadline for the election immediately following 9 the completion of the form is guilty of a class 6 felony."

10 Amend title to conform

MICHELLE B. UGENTI-RITA

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- 5 -

COMMITTEE ON	ELECTION	IONS BILL NO. HB 2016				
DATE February 8,	2016			MOTION: _	DPA/S	
	PASS	AYE	NAY	PRESENT	ABSENT	
Mrs. Carter		<i></i> ,				
Mr. Clark						
Mr. Larkin						
Mr. Weninger						
Mr. Mesnard, Vice-Chairman		V,				
Ms. Ugenti-Rita, Chairman						
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APPROVED: MICHELLE B. UGENTI-RITA, Chairman JAVAN D. MESNARD, Vice-Chairman						
			A1	TACHMENT	5	



HB 2156

legislative vacancies; appointment; requirements Prime Sponsor: Representative Friese, LD 9

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2156 provides a timeframe and majority vote requirement for the county Board of Supervisors (BOS) to fill a legislative vacancy for an organized party with at least 30 elected precinct committeemen.

PROVISIONS

- 1. Requires the BOS to appoint a person to fill a legislative vacancy for an organized political party with at least 30 elected precinct committeemen:
 - a. within five business days after receiving the list of names; and
 - b. by a majority vote of all the supervisors sitting as a board.
- 2. Makes technical and conforming changes.

CURRENT LAW

If the legislative vacant seat was represented by an organized political party with more than 30 elected precinct committeemen from the precincts in the legislative district and county in which the vacancy occurred the following apply: 1) the Secretary of State (SOS) must notify the appropriate state party chairman (chairman) and, within three business days, the chairman must give written notice of the meeting to fill the vacancy; 2) those elected precinct committeemen must nominate, within 21 business days after notification by the SOS of the vacancy if the legislature is not in regular session or 5 business days if the legislature is in regular session, three qualified electors by a majority vote; 3) the chairman must forward, to the BOS of the county in which the vacancy occurred, the names of the three persons nominated and the BOS must appoint a person from the three nominees submitted; and 4) if the elected precinct committeemen fail to fill the vacancy within the allotted timeframe, the chairman must notify the appropriate county BOS to fill the vacancy by appointing a citizens panel (A.R.S. § 41-1202).

If the legislative vacant seat was represented by an organized political party with less than 30 elected precinct committeemen from the precincts in the legislative district and county in which the vacancy occurred or if the vacant seat is not represented by an organized political party the BOS must: 1) appoint, within three business days after the vacancy, a citizens panel to submit the names of three qualified electors as specified within seven business days; and 2) within five business days and by a majority vote of all the supervisors sitting as a board, must appoint one person from the list of names submitted to fill the vacancy (A.R.S. § 41-1202).

COMMITTEE ON	ELECTION	DNS BILL NO. HB 2156			HB 2156
DATE February 8,	2016			MOTION: _	DP
	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter		V			
Mr. Clark		✓			
Mr. Larkin		<i>V.</i>			
Mr. Weninger		$\overline{}$			
Mr. Mesnard, Vice-Chairman					
Ms. Ugenti-Rita, Chairman		\checkmark			
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APPROVED COMMITTEE SECRETARY MICHELLE B. UGENTI-RITA, Chairman JAVAN D. MESNARD, Vice-Chairman					
			A ⁻	TTACHMENT	7



HB 2298

financial disclosure; public officer; travel Prime Sponsor: Representative Mesnard, LD 17

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2298 requires the inclusion of specified travel-related expenses in the financial disclosure statement (statement) filed with the Secretary of State (SOS).

PROVISIONS

- 1. Adds that public officers must include, in the statement filed with the SOS, the name of each meeting, conference or other event where they are participating in their official capacity if travel-related expenses exceeding \$1,000 were incurred but not paid by the public officer.
- 2. Defines travel-related expenses.
- 3. Stipulates that *gift* does not include travel-related expenses and political campaign contributions that are publicly reported.
- 4. Makes technical and conforming changes.
- 5. Becomes effective January 1, 2017.

CURRENT LAW

Every public officer, as a matter of public record, is required to file an annual statement covering the preceding calendar year with the SOS by January 31 (A.R.S. § 38-542). The statement must disclose certain specified items including, but not limited to the name of each source of any gift, or accumulated gifts from a single source, of more than \$500 received by the public officer and household members. Any public officer who knowingly fails to file a statement, files an incomplete statement or files a false statement is guilty of a class 1 misdemeanor (up to 6 months in jail, fine of \$2,500 plus surcharges) and is subject to a civil penalty of \$50 for each day of noncompliance, not to exceed \$500 (A.R.S. § 38-544). Laws 2014, Chapter 149 permits public officers, beginning January 1, 2017, to file statements in a form prescribed by the SOS that includes authorization for future filings to be submitted in an electronic format.

Public officer is defined as a member of the legislature and any judge of the court of appeals or the superior court, or a person holding an elective office the constituency of which embraces the entire geographical limits of this state, excluding members of Congress (A.R.S. § 38-541).

Elections

Fifty-second Legislature Second Regular Session

Attachment 🗶

COMMITTEE ON	ELECTI	ECTIONS BILL NO.			HB 2298
DATE	February 8, 2016			MOTION: _	DP
	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter		/			
Mr. Clark		/			
Mr. Larkin		/			
Mr. Weninger		/			
Mr. Mesnard, Vice-Cha	irman	/			
Ms. Ugenti-Rita, Chairr	man				
		U	0	0	6
APPROVED: MICHELLE B. UGENTI-RITA, Chairman JAVAN D. MESNARD, Vice-Chairman					
			A ⁻	TTACHMENT	9



HB 2477

precinct committeemen; term of office Prime Sponsor: Representative Ugenti-Rita, LD 23

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2477 clarifies the start and end date of the term of office for a Precinct Committeeman (PC).

PROVISIONS

- 1. Stipulates that a PC's term of office begins the day after the county board of supervisors issues the official canvass for the primary election at which the PC was elected and continues until the canvass is issued for the following primary election at which a PC is elected.
- 2. Makes technical changes.

CURRENT LAW

Any member of a recognized political party who is a registered voter in the precinct is eligible to seek the office of PC of his party in that precinct. At a minimum, the duties of a PC include assisting their political party in voter registration and assisting voters of that political party to vote on election days (A.R.S. § 16-822).

Primary elections must be held on the 10th Tuesday prior to a general or special election at which candidates for public office are elected (A.R.S. § 16-201). The governing body holding an election is required to meet and canvass the election results between 6 and 20 days after the election (A.R.S. § 16-642).

COMMITTEE ON	ELECTION	ONS		BILL NO.	HB 2477
DATE February 8	, 2016			MOTION: _	DP
	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter		\vee			
Mr. Clark					
Mr. Larkin		V			daldedamin
Mr. Weninger					
Mr. Mesnard, Vice-Chairman					
Ms. Ugenti-Rita, Chairman					
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APPROVED: MICHELLE B. UGENTI-RITA, Chair JAVAN D. MESNARD, Vice-Chairm	<u>4</u>		hall fo tee secreta	ments ARY	

ARIZONA STATE LEGISLATURE

Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON		EL	ELECTIONS						
CHAIRMAN:	Michelle B. Uge	nti-Rita VICE-CHAIRMAN: Javan D. Mesnard							
D	ATE	2/8 /16	/16	/16	/16	/16			
C	ONVENED	10:15 am	m	m	m	m			
R	RECESSED				. A Section in the se				
F	RECONVENED								
Α	DJOURNED	10:40am							
MEMBERS									
Mrs. Carter									
Mr. Clark		√							
Mr. Larkin		/							
Mr. Weninger									
Mr. Mesnard, Vice-Chairman		/							
Ms. Ugenti-Rita, Chairman									
	√ Present	Abs	sent	exc	Excuse	d			